

CHAPTER 403

LABOR AND INDUSTRY

SENATE BILL 21-095

BY SENATOR(S) Danielson, Rodriguez, Buckner, Ginal, Jaquez Lewis, Kolker, Moreno, Story, Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) Ricks, Bennett, Hooton, McCluskie, Snyder, Young.

AN ACT

CONCERNING THE CONTINUATION OF THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE 2020 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND CREATING A HIRING PREFERENCE PILOT PROGRAM FOR PEOPLE WITH DISABILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Persons with disabilities represent a talented population that has long been and continues to be underemployed, underutilized, and often denied employment opportunities within state government;

(b) The state of Colorado should be a model employer of persons with disabilities and serve as an example for private employers to follow by creating programs and enacting policies that increase the inclusion of persons with disabilities in the state workforce;

(c) In many cases, an individual's experience as a person with a disability is an underappreciated asset in considering the person for state employment; and

(d) It is a strategic priority of the employment first advisory partnership to support the implementation of a state hiring program for persons with disabilities.

(2) Therefore, the general assembly intends to create a hiring preference pilot program for persons with disabilities to encourage state agencies to increase the number of employed persons with disabilities and improve the state's practices on recruiting and hiring persons with disabilities.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, 8-84-303, **repeal** (8) as follows:

8-84-303. Employment first advisory partnership - memorandum of understanding - reporting. (8) (a) ~~This section is repealed, effective September 1, 2021.~~

~~(b) Prior to repeal of the employment first advisory partnership, the department of regulatory agencies shall conduct a sunset review pursuant to the provisions of section 2-3-1203, C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 8-84-304, **repeal** (4) as follows:

8-84-304. Duties of the employment first advisory partnership - strategic plan. (4) (a) ~~This section is repealed, effective September 1, 2021.~~

~~(b) Prior to repeal of the employment first advisory partnership, the department of regulatory agencies shall conduct a sunset review pursuant to the provisions of section 2-3-1203.~~

SECTION 4. In Colorado Revised Statutes, 2-3-1203, **repeal** (12)(a)(VI) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (12) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2021:

~~(VI) The employment first advisory partnership in the department of labor and employment described in sections 8-84-303 and 8-84-304.~~

SECTION 5. In Colorado Revised Statutes, 8-84-301, **amend** (1) as follows:

8-84-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Agency partners" means the department, the department of health care policy and financing, the department of education, the department of higher education, ~~and~~ the department of human services, THE COLORADO OFFICE OF EMPLOYMENT FIRST, JFK PARTNERS WITHIN THE DEPARTMENT OF PEDIATRICS OF THE UNIVERSITY OF COLORADO SCHOOL OF MEDICINE, AND THE UNIVERSITY OF COLORADO ANSCHUTZ MEDICAL CAMPUS.

SECTION 6. In Colorado Revised Statutes, 24-50-112.5, **amend** (1)(b)(I); and **add** (8) as follows:

24-50-112.5. Selection system - definitions - rules - report - repeal.

(1) (b) (I) Appointments and promotions to positions shall be based on a fair and open comparative analysis of candidates based on objective criteria. Selections shall be made without regard to race, color, creed, religion, national origin, ancestry, age, sexual orientation, marital status, or political affiliation and without regard to sex or disability except as otherwise provided by law OR SUBSECTION (8) OF THIS

SECTION.

(8) Hiring preference pilot program for persons with disabilities. (a) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, IN COLLABORATION WITH THE STATE PERSONNEL DIRECTOR, SHALL DEVELOP AND IMPLEMENT A HIRING PREFERENCE PILOT PROGRAM FOR PERSONS WITH DISABILITIES APPLYING FOR A POSITION IN THE DEPARTMENT.

(II) WHEN THE DEPARTMENT USES A NONNUMERICAL METHOD UNDER THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF CANDIDATES FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT SHALL ADD ALL APPLICANTS WHO ARE ELIGIBLE FOR THE PREFERENCE FOR PEOPLE WITH DISABILITIES AND WHO MEET ALL MINIMUM AND SPECIAL QUALIFICATIONS UNDER THIS SUBSECTION (8) TO THE REFERRAL LIST FOR INTERVIEW.

(III) WHEN THE DEPARTMENT USES A NUMERICAL METHOD UNDER THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF CANDIDATES FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT SHALL ADD FIVE POINTS TO THE FINAL SCORE OF THE APPLICANT WHEN ALL ELEMENTS OF THE SELECTION PROCESS ARE COMPLETED, BUT PRIOR TO REFERRAL OF AN APPLICANT FOR INTERVIEW FOR THE POSITION.

(IV) AN APPLICANT IS ELIGIBLE FOR A PREFERENCE UNDER THIS SUBSECTION (8) IF THE CANDIDATE:

(A) MEETS THE MINIMUM QUALIFICATIONS OR ANY OTHER REQUIREMENTS FOR THE POSITION;

(B) IS A PERSON WITH A DISABILITY, AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, WHO HAS VOLUNTARILY IDENTIFIED AS A PERSON WITH A DISABILITY ON THE APPLICATION FOR THE POSITION AND WHO HAS REQUESTED TO PARTICIPATE IN THE PILOT PROGRAM; AND

(C) SUBMITS PROOF OF A DISABILITY IN A FORM AND MANNER SPECIFIED UNDER THE PILOT PROGRAM.

(V) AN APPLICANT MAY BE GIVEN BOTH THE VETERAN'S PREFERENCE AND A DISABILITY PREFERENCE, BUT AN APPLICANT IS NOT ELIGIBLE FOR BOTH A DISABLED VETERAN'S PREFERENCE AND A DISABILITY PREFERENCE.

(b) THE PILOT PROGRAM IS NOT AVAILABLE TO A CANDIDATE SEEKING A PROMOTION OR TO A PERSON CURRENTLY EMPLOYED BY THE STATE.

(c) WHEN THE PILOT PROGRAM IS DEVELOPED UNDER THIS SUBSECTION (8):

(I) THE STATE PERSONNEL DIRECTOR SHALL ADOPT OR AMEND RULES AS NECESSARY TO ENABLE THE IMPLEMENTATION OF THE PILOT PROGRAM;

(II) THE DEPARTMENT SHALL IMPLEMENT THE PILOT PROGRAM NO LATER THAN JANUARY 1, 2023;

(III) THE STATE PERSONNEL DIRECTOR MAY ALLOW OTHER PRINCIPAL DEPARTMENTS TO IMPLEMENT THE PILOT PROGRAM FOR APPOINTMENTS TO POSITIONS WITHIN THOSE DEPARTMENTS; AND

(IV) THE PILOT PROGRAM MAY NOT BE USED BY ANY PRINCIPAL DEPARTMENT AFTER DECEMBER 31, 2027.

(d) BY NOVEMBER 1, 2027, ANY PRINCIPAL DEPARTMENT THAT PARTICIPATES IN THE PILOT PROGRAM SHALL SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR. THE STATE PERSONNEL DIRECTOR SHALL COMPILE ALL REPORTS AND SUBMIT ONE FINAL REPORT TO THE HOUSE BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE AT LEAST THE FOLLOWING INFORMATION:

(I) THE PERIOD WHEN THE PILOT PROGRAM WAS USED BY THE DEPARTMENT;

(II) THE NUMBER OF APPLICANTS FOR APPOINTMENTS WITHIN THE DEPARTMENT THAT OPTED TO PARTICIPATE IN THE PILOT PROGRAM;

(III) THE NUMBER OF PERSONS WITH DISABILITIES WHO WERE APPOINTED TO POSITIONS WITHIN THE DEPARTMENT; AND

(IV) ANY OTHER DETERMINING FACTORS OF DATA THAT MAY AFFECT THE IMPLEMENTATION OF A PERMANENT PROGRAM.

(e) AS USED IN THIS SUBSECTION (8):

(I) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(II) "PILOT PROGRAM" MEANS THE HIRING PREFERENCE PILOT PROGRAM, CREATED IN THIS SUBSECTION (8), FOR PEOPLE WITH DISABILITIES.

(f) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE DECEMBER 31, 2027.

SECTION 7. Effective date. This act takes effect September 1, 2021.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 30, 2021